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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari from Aiken County
R. Scott Sprouse, Circuit Court Judge

Appellate Case No. 2018-001674

John Upson, SCDC #229134,Respondent,

v.

State of South Carolina,Petitioner.

MOTION FOR EXTENSION OF TIME TO ORDER TRANSCRIPT

The State of South Carolina respectfully submits the following motion for extension of time to request the transcript of the lower court proceeding pursuant to Rule 243, SCACR:

I.

On September 17, 2018, the State, represented by counsel who is no longer with the South Carolina Attorney General’s Office, filed a notice of appeal, challenging the grant of post-conviction relief to John Upson, SCDC # 229134. However, due to an oversight, the State failed to order a copy of the post-conviction relief hearing transcript as required by Rule 243(b), SCACR.

II.

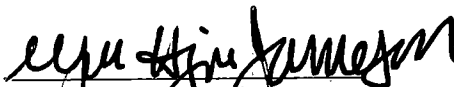
Undersigned counsel was substituted as counsel of record for the State on October 30, 2018. While working on a response to an unrelated motion filed by counsel for Mr. Upson,

Tommy A. Thomas, undersigned counsel discovered the transcript had not been ordered as required by Rule 243(b), SCACR. Undersigned counsel immediately contacted counsel Thomas, informed him that the State had failed to timely order the transcript, and advised him the State would be filing a motion to order the transcript out-of-time. Mr. Thomas indicated he would not oppose such motion and told undersigned counsel she could indicate his lack of opposition in said motion. Undersigned counsel, through a legal assistant, immediately ordered a copy of the transcript. See attached transcript request. Accordingly, the State requests this Court extend the deadline for ordering the transcript as required by Rule 243(b), SCACR, until today's date.

III.

WHEREFORE, the State respectfully requests the Court extend the deadline for the ordering the transcript; hold the matter in abeyance pending a ruling on the State's motion; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,



Megan Harrigan Jameson
Senior Assistant Deputy Attorney General
S.C. Bar No. 100108

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737
Attorney for Respondent

Transcript Request Form

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter and to South Carolina Court Administration at transcripts@sccourts.org. Click [here](#) for instructions on how to find the court reporter's email and mailing addresses. Once the court reporter receives your request, it will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to any party. Please send by mail a money order or certified bank check to the court reporter in order to obtain the transcript. Some court reporters may accept personal checks. Please check with the court reporter to see if this option is available. Once your request is received, you will receive a copy of this form with the bottom portion completed. Please promptly submit your payment in order for the transcript to be provided. If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.

Requestor's Information			
Full Name <u>Kaitlyn Slice</u>	Phone Number <u>(803)734-3737</u>	Email Address <u>secondcircuitpcr@scag.gov</u>	
Mailing Address <u>Post Office Box 11549</u>	City <u>Columbia</u>	State <u>SC</u>	Zip Code <u>29211</u>
Transcript Information			
Docket Number <u>2017-CP-02-0129</u>	Case Caption (i.e. State v. John Doe or Smith v. Smith) <u>John Lydon Upson v. State of South Carolina</u>		
Presiding Judge <u>R. Scott Sprouse</u>	Circuit <input checked="" type="checkbox"/> Family <input type="checkbox"/>	County <u>Aiken</u>	
Date(s) of Proceeding <u>May 8, 2018</u>	Expedited Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Copy Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

Requestor's Signature: Kaitlyn Slice

Date: 11/19/2018

(Typed name will serve as signature)

Note: If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter.

For Court Reporter Use Only			
Full Name _____	Date Received _____	Email Address _____	
Notice of Estimate to Requestor Party Date: _____ Number of Pages: _____ Estimated Amount _____			
Mailing Address for Payment _____	City _____	State _____	Zip Code _____

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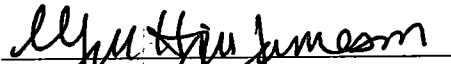
PROOF OF SERVICE

I, Megan Harrigan Jameson, certify that I have served the within **Motion for Extension of Time to Order Transcript** on Respondent John Upson by depositing two copies of the same in the U.S. mail to be delivered to Petitioner's counsel at the address below:

Tommy A. Thomas, Esquire
P.O. Box 88
Irmo, South Carolina 29063

I further certify that all parties required by Rule to be served have been served.

This 19th day of November, 2018.


MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General
S.C. Bar No. 101260
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737



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NOV 19 2018

S.C. SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

November 19, 2018

The Honorable Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
P.O. Box 11330
Columbia, South Carolina 29211

Re: John Upson v. State
Appellate Case No. 2018-001674

Dear Mr. Shearouse:

Enclosed please find the original six copies of the State's Motion for Extension of Time to Order Transcript and the accompanying proof of service. Please let me know if I can provide anything additional on this matter.

Sincerely,

Megan Harrigan Jameson
Senior Assistant Deputy Attorney General
S.C. Bar No. 100108

cc: Tommy A. Thomas, Esquire